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TO: Group 2100 After Final
Examiner Hussein A. El Chanti (Art Unit 2157)

FAX #: 703-872-9306 (After final) (1310-006)

FROM: A. José Cortina, Reg. 29,733

DATE: April 22, 2005

RE: U.S. Application Serial No. 09/606,683; Docket FOV0002-US

Attached is REQUEST FOR WITHDRAWAL OF FINALITY OF REJECTION AND FOR THE ISSUANCE OF A NEW OFFICE ACTION.

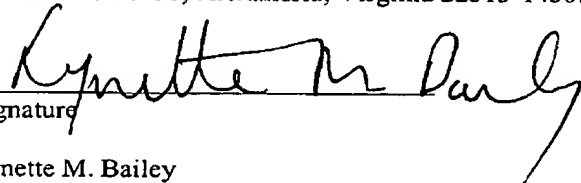
This has also been filed by U.S. Mail.

Attorney Docket No. FOV0002-US (1310-006)

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

Serial No.: 09/606,683
Filing Date: June 30, 2000
Applicant: Spalink et al.
Title: METHOD AND SYSTEM FOR CLASSIFYING
INFORMATION AVAILABLE ON A
COMPUTER NETWORK
Date of Deposit: April 22, 2005
Type of Document(s) Certificate of First Class Mailing
REQUEST FOR WITHDRAWAL OF FINALITY OF REJECTION
AND FOR THE ISSUANCE OF A NEW OFFICE ACTION; and
Return Receipt Postcard.

I hereby certify that the documents identified above are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope on April 22, 2005 and is addressed to the Mail Stop AF, Director of the USPTO, Post Office Box 1450, Alexandria, Virginia 22313-1450.


Signature
Lynette M. Bailey

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Application No.: 09/606,683
Applicant: Spalink et al.
Filed: June 30, 2000
TC/A.U. 2157
Examiner: El Chanti, Hussein A.
Docket No.: FOV0002-US (1310-006)
Customer No.: 26108

Confirmation No.: 8443

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PATENT EXAMINER
APR 22 2005

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Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL OF FINALITY OF REJECTION AND FOR THE
ISSUANCE OF A NEW OFFICE ACTION**

Sir:

Applicant has received an Office Action dated April 4, 2005 which the Examiner has made final after the filing of a Request for Continued Examination. It is respectfully urged that the making of this Office Action final is improper and does not comply with the guidelines set forth in the Manual of Patent Examining Procedure.

More specifically, the Examiner's attention is invited to MPEP Section 706.07(h) and Paragraph XIII. In the MPEP it is stated that an action immediately subsequent to a filing of an RCE with a submission and fee under 37 1.114 may be made final only if the conditions set forth in MPEP Section 706.07(b) for making a first action final in a continuing application are met. Form paragraph 7.42.09 should be used if it appropriate to make the first action after the final filing of the RCE final. That form paragraph has not been used and a review of the detailed wording of the paragraph reveals that the Amendment filed and not entered after the Final Rejection does not satisfy the requirements of paragraph 7.42.09.

More specifically, the Manual of Patent Examining Procedure provides in part that all claims need to be drawn to the same invention claimed in the application prior to the entry of the submission and could have been finally rejected on the grounds of art of record in the next Office Action if they had been entered in the application prior to entry under 37 CFR 1.114. This requirement has not been satisfied and accordingly, it is respectfully requested that a new and Non-Final Office Action be issued and that the finality of the current Office action be withdrawn.

Dated: April 22, 2005

Respectfully submitted,



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Enclosure

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